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06 MAR 2007

CANTOR COLBURN, LLP  
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In re Application of LOEVLI et al :  
U.S. Application No.: 10/552,118 :  
PCT Application No.: PCT/DK04/00242 :  
Int. Filing Date: 02 April 2004 :  
Priority Date Claimed: 04 April 2003 : DECISION  
Attorney Docket No.: APH-0154 :  
For: PROCESS FOR THE PREPARATION OF :  
STEROIDAL CARBOTHIOIC ACID :  
DERIVATIVES AND INTERMEDIATES :

This is in response to applicant's "Petition Under 37 CFR 1.137(b) and 37 CFR 1.182" filed 08 February 2007.

**BACKGROUND**

On 02 April 2004, applicant filed international application PCT/DK04/00242, which claimed priority of an earlier European Patent Office application filed 04 April 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 14 October 2004. The thirty-month period for paying the basic national fee in the United States expired on 04 October 2005.

On 03 October 2005, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission, which was signed by agent Patrick Halloran, listed "AL-05-006-US" as the attorney docket number and was assigned U.S. Application Number 10/551,906.

On 04 October 2005, applicant filed purported national stage papers in the DO/EO/US. The submission, which was filed by Cantor Colburn LLP, listed "APH-0154" as the attorney docket number and was assigned U.S. Application Number 10/552,118.

On 23 November 2005, this Office mailed a communication which informed applicant that the submission of two sets of national stage papers for a single international application was improper. The communication set a two month period for response.

On 24 January 2006, the present application became abandoned for failure to file a timely response to the communication mailed 23 November 2005.

On 08 February 2007, applicant filed the present petitions under 37 CFR 1.137(b) and 37 CFR 1.182.

### **DISCUSSION**

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "The entire delay was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

Applicant's explanation for the erroneous submission of two sets of national stage papers for a single international application is accepted. The papers for U.S. Application Number 10/551,906 have been placed in the present application file.

### **CONCLUSION**

For the reasons above, the petitions under 37 CFR 1.137(b) and 37 CFR 1.182 are GRANTED.

The serialization of U.S. Application Number 10/551,906 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.



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